

Senate Amendment 3223

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1 1 Amend Senate File 416, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 NEW SECTION. 231.56A ELDER ABUSE
1 6 EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS.
1 7 1. Through the state's service contract process
1 8 adopted pursuant to section 8.47, the department shall
1 9 identify area agencies on aging that have demonstrated
1 10 the ability to provide a collaborative response to the
1 11 immediate needs of elders in the area agency on aging
1 12 service area for the purpose of implementing elder
1 13 abuse emergency shelter and support services projects.
1 14 The projects shall be implemented only in the counties
1 15 within an area agency on aging service area that have
1 16 a multidisciplinary team established pursuant to
1 17 section 235B.1.
1 18 2. The target population of the projects shall be
1 19 any elder residing in the service area of an area
1 20 agency on aging who meets both of the following
1 21 conditions:
1 22 a. Is the subject of a report of suspected
1 23 dependent adult abuse pursuant to chapter 235B.
1 24 b. Is not receiving assistance under a county
1 25 management plan approved pursuant to section 331.439.
1 26 3. The area agencies on aging implementing the
1 27 projects shall identify allowable emergency shelter
1 28 and support services, state funding, outcomes,
1 29 reporting requirements, and approved community
1 30 resources from which services may be obtained under
1 31 the projects. The area agency on aging shall identify
1 32 at least one provider of case management services for
1 33 the project area.
1 34 4. The area agencies on aging shall implement the
1 35 projects and shall coordinate the provider network
1 36 through the use of referrals or other engagement of
1 37 community resources to provide services to elders.
1 38 5. The department shall award funds to the area
1 39 agencies on aging in accordance with the state's
1 40 service contract process. Receipt and expenditures of
1 41 moneys under the projects are subject to examination,
1 42 including audit, by the department.
1 43 6. This section shall not be construed and is not
1 44 intended as, and shall not imply, a grant of
1 45 entitlement for services to individuals who are not
1 46 otherwise eligible for the services or for utilization
1 47 of services that do not currently exist or are not
1 48 otherwise available.
1 49 Sec. 2. Section 235B.3, subsection 5, Code 2003,
1 50 is amended to read as follows:
2 1 5. Following the reporting of suspected dependent
2 2 adult abuse, the department of human services or an
2 3 agency approved by the department shall complete an
2 4 assessment of necessary services and shall make
2 5 appropriate referrals for receipt of these services.
2 6 The assessment shall include interviews with the
2 7 dependent adult, and, if appropriate, with the alleged
2 8 perpetrator of the dependent adult abuse and with any
2 9 person believed to have knowledge of the circumstances
2 10 of the case. The department may provide necessary
2 11 protective services and may establish a sliding fee
2 12 schedule for those persons able to pay a portion of
2 13 the protective services.
2 14 Sec. 3. Section 235B.6, subsection 2, paragraph c,
2 15 Code 2003, is amended by adding the following new
2 16 subparagraph:
2 17 NEW SUBPARAGRAPH. (8) An employee of an agency
2 18 requested by the department to provide case management
2 19 or other services to the dependent adult.
2 20 Sec. 4. Section 235B.6, subsection 2, paragraph e,
2 21 Code 2003, is amended by adding the following new
2 22 subparagraph:
2 23 NEW SUBPARAGRAPH. (10) The long-term care
2 24 resident's advocate if the victim resides in a long-

2 25 term care facility or the alleged perpetrator is an
2 26 employee of a long-term care facility.
2 27 Sec. 5. Section 235B.6, subsection 3, Code 2003,
2 28 is amended to read as follows:
2 29 3. Access to unfounded dependent adult abuse
2 30 information is authorized only to those persons
2 31 identified in subsection 2, paragraph "a", paragraph
2 32 "b", subparagraphs (2), (5), and (6), and paragraph
2 33 "e", ~~subparagraphs (2) and (10).~~
2 34 Sec. 6. Section 235B.9, subsections 1, 2, and 3,
2 35 Code 2003, are amended to read as follows:
2 36 1. ~~Dependent adult abuse information relating to a
2 37 particular case of suspected dependent adult abuse
2 38 which is determined by a preponderance of the evidence
2 39 to be founded,~~ shall be sealed ten years after the
2 40 receipt of the initial report of such abuse by the
2 41 registry unless good cause is shown why the
2 42 information should remain open to authorized access.
2 43 If a subsequent report of ~~a suspected case of~~ founded
2 44 dependent adult abuse involving the adult named in the
2 45 initial report as the victim of abuse or a person
2 46 named in such report as having abused an adult is
2 47 received by the registry within the ten-year period,
2 48 the information shall be sealed ten years after
2 49 receipt of the subsequent report unless good cause is
2 50 shown why the information should remain open to
3 1 authorized access.
3 2 2. ~~Dependent adult abuse information which cannot
3 3 be determined by a preponderance of the evidence to be
3 4 founded or unfounded shall be expunged one year after
3 5 the receipt of the initial report of abuse and
3 6 dependent adult abuse information which is determined
3 7 by a preponderance of the evidence to be unfounded
3 8 shall be expunged immediately when one year from the
3 9 date it is determined to be unfounded.~~
3 10 3. However, if a correction of dependent adult
3 11 abuse information is requested under section 235B.10
3 12 and the issue is not resolved at the end of one year
3 13 the information shall be retained until the issue is
3 14 resolved and if the dependent adult abuse information
3 15 is not determined to be founded, the information shall
3 16 be expunged ~~immediately when one year from the date it~~
3 17 is determined to be unfounded.>
3 18 #2. Title page, line 1, by striking the words 3 19 an> and inserting the following:
3 20 abuse including elder abuse>.
3 21 #3. Title page, by striking line 2 and inserting
3 22 the following: .
3 23 SF 416.H
3 24 pf/es/25